

Remarks

By this Amendment, claims 64 through 68 are canceled and claims 59 and 62 are amended. Claims 59 through 63 are pending in the application and reconsideration is respectfully requested.

Alleged Statutory Double Patenting

This rejection is now moot as claims 64-68 have been canceled.

Alleged Obviousness-Type Double Patenting

Although Applicants believe this rejection to be improper, for expediency, a Terminal Disclaimer is hereby submitted. Thus, this rejection as applied to 59-63 should be withdrawn.

Rejection of Claims 59-68 Under 35 USC § 112, First Paragraph

The Examiner has rejected claims 59-68 under 35 USC § 112, first paragraph. Although Applicants believe the rejection to be improper, for expediency, applicants have amended claims 59-63 to recite a polymeric compound comprising a methacrylamide derivative and a hydrophilic comonomer. Accordingly, claims 59-63 are allowable.

Rejection of Claims 59-68 under 35 USC § 112, Second Paragraph

Although Applicants believe the rejection to be improper, for expediency, claims 59-63 have been amended to recite a polymeric compound comprising a methacrylamide derivative and a hydrophilic comonomer, to address the Examiner's concern. Accordingly, claims 59-63 are allowable.

Rejection of Claims 64, 65, 67, and 68 Under 35 USC § 103(a)

This rejection is now moot as claims 64-68 have been canceled, however, Applicants again assert that the cited reference does not teach or suggest a polymeric compound as recited in the present application claims. Specifically, the Goupil patent discloses a composition for use in tissue bulking and coating. The Examiner alleges that "transformation of the solution to gel is obvious because [the Goupil patent discloses] that changes [in conditions] such as temperature and pH result in a

transformation of the solution." In contrast to the Goupil patent, claims 64, 65, 67 and 68 recite a polymeric compound that is a gel upon exposure to critical minimum values of **at least two** environmental stimuli.

Not only does the Goupil patent fail to disclose gellation, it also fails to disclose transformation of the composition in response to more than one environmental stimuli. The Goupil patent plainly states that the composition may degrade "in response to **an** applied condition, such as a change in temperature or pH." Column 2, lines 49-53 (emphasis added). Nowhere does it teach that any transformation can be made *dependent on two or more environmental stimuli*, let alone exposure to critical minimum values of two or more environmental stimuli, as recited in claims 64, 65, 67 and 68.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



Lisa M. Caldwell
Registration No. 41,653

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 228-9446.



06/09/05 23-66882-01 Terminal Disclaimer.doc 12575-E CON

PATENT
Attorney Reference Number: 23-66882-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Anna Gutowska and Karol J.
Krzyminski

Application No. 10/701,053

Filed: November 3, 2003

Confirmation No. 5500

For: MULTIPLE STIMULUS REVERSIBLE
HYDROGELS

Examiner: Dameron L. Jones

Art Unit: 1616

Attorney Reference No. 23-66882-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent
for Applicant(s)

Date Mailed

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7/11/05

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TERMINAL DISCLAIMER

Battelle Memorial Institute, ("Battelle") is the owner of the entire interest in the above-identified application. The assignment was recorded on November 3, 2003, (Reel 14666, Frames 925-928).

Battelle hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,660,247, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,660,247, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Battelle does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 6,660,247, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

I am empowered to act on behalf of Battelle.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Battelle Memorial Institute

6/9/05
Date

Todd J. Harrington
Signature

Printed Name: Todd J. Harrington

Title: Contracting Officer



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Response Under 37 C.F.R. § 1.116 Expedited Procedure

CERTIFICATE OF MAILING

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Attorney or Agent
for Applicants

Date Mailed July 11, 2005

MAIL STOP AF
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

COPY

TRANSMITTAL LETTER

Enclosed is an Amendment for the above application. The fee has been calculated as shown below.

CLAIMS AS AMENDED					
For	No. after amendment	No. paid for previously	Present Extra	Rate	Fee
Total Claims	5	- 20*	= 0	\$25.00	\$ 0.00
Indep. Claims	2	- 3**	= 0	\$100.00	\$ 0.00
Mult. Dep. Claims Fee (if not previously paid)				\$180.00	
One-month Extension of Time				\$60.00	\$60.00
Two-month Extension of Time				\$225.00	
Three-month Extension of Time				\$510.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$60.00

* greater of twenty or number for which fee has been paid.

** greater of three or number for which fee has been paid.

☒ Terminal Disclaimer (\$65.00 Fee)☒ Applicants petition for an extension of time for the number of months indicated above. If an additional extension of time is required please consider this a petition therefor.

- ☒ A check in the amount of \$125.00 is attached.
- ☒ Please charge any additional fees that may be required in connection with filing this amendment and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ If the Patent and Trademark Office determines that this amendment results in an additional application size fee for pages in excess of 100, please charge the fee to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

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Registration No. 41,653

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 228-9446

cc: Client
Docketing